

P24008.A02



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Peter HILFENHAUS et al.

Confirmation No. 7944

Group Art Unit: 1771

Serial No. : 10/654,949

Examiner: unknown

Filed : September 5, 2003

For : ANTIMICROBIAL COMPOSITE

INFORMATION DISCLOSURE STATEMENT

Commissioner For Patents
PO Box 1450,
Alexandria, Virginia 23313-1450

Sir:

Pursuant to 37 C.F.R. § 1.56 and 37 C.F.R. §§ 1.97-1.98, Applicants hereby direct the Examiner's attention to the following documents:

- (1) DE 101 08 083 A1, September 5, 2002;
- (2) CA 2 438 765 A1, August 29, 2002; Applicants note that this document is a family member of document (1);
- (3) DE 32 28 851 A1, February 2, 1984;
- (4) DE 31 11 336 A1, April 22, 1982;
- (5) GB 2 074 029 A, October 28, 1991; Applicants note that this document is a family member of document (4);
- (6) EP 0 475 807 A2, March 18, 1992;

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- (7) U.S. Patent No. 5,395,305 (KOIDE et al.), March 7, 1995; Applicants note that this document is a family member of document (6);
- (8) WO 02/09729 A2, February 7, 2002;
- (9) U.S. Patent Application Publication US 2003/0206966 A1 (BURRELL et al.), November 6, 2003; Applicants note that this document is a family member of document (8);
- (10) U.S. Patent Application Publication US 2003/0203046 A1 (BURRELL et al.), October 30, 2003; Applicants note that this document is a family member of document (8);
- (11) U.S. Patent Application Publication US 2003/0194444 A1 (BURRELL et al.), October 16, 2003; Applicants note that this document is a family member of document (8);
- (12) U.S. Patent Application Publication US 2003/0185901 A1 (BURRELL et al.), October 2, 2003; Applicants note that this document is a family member of document (8);
- (13) U.S. Patent Application Publication US 2003/0180379 A1 (BURRELL et al.), September 25, 2003; Applicants note that this document is a family member of document (8);
- (14) U.S. Patent Application Publication US 2003/0180378 A1 (GILLIS et al.), September 25, 2003; Applicants note that this document is a family member of document (8);
- (15) U.S. Patent Application Publication US 2003/0170314 A1 (BURRELL et al.), September 11, 2003; Applicants note that this document is a family member of document (8);
- (16) U.S. Patent Application Publication US 2003/0099718 A1 (BURRELL et al.), May 29, 2003; Applicants note that this document is a family member of document (8);

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(17) U.S. Patent Application Publication US 2003/0086977 A1 (GILLIS), May 8, 2003;

Applicants note that this document is a family member of document (8);

(18) U.S. Patent Application Publication US 2003/0072810 A1 (BURRELL et al.), April

17, 2003; Applicants note that this document is a family member of document (8);

(19) U.S. Patent Application Publication US 2003/0054046 A1 (BURRELL et al.), March

20, 2003; Applicants note that this document is a family member of document (8);

(20) U.S. Patent Application Publication US 2003/0021854 A1 (BURRELL et al.), January

30, 2003; Applicants note that this document is a family member of document (8);

(21) U.S. Patent Application Publication US 2002/0192298 A1 (BURRELL et al.),

December 19, 2002; Applicants note that this document is a family member of document (8);

(22) U.S. Patent Application Publication US 2002/0182265 A1 (BURRELL et al.),

December 5, 2002; Applicants note that this document is a family member of document (8);

(23) U.S. Patent Application Publication US 2002/0051824 A1 (BURRELL et al.), May

2, 2002; Applicants note that this document is a family member of document (8);

(24) WO 98/41095 A2, September 24, 1998;

(25) U.S. Patent No. 6,333,093 B1 (BURRELL et al.), December 25, 2001; Applicants

note that this document is a family member of document (24).

Applicants note that documents (1), (3), (4), (6), (8) and (24) were cited in an Office Action dated February 6, 2004 in relation to German Patent Application 103 28 261.0 of which the above-referenced application claims priority. The relevant portions of this Office Action are recited below (unverified English translation):

The following references are cited for the first time in this Office Action (the numbering shall also apply to subsequent proceedings):

- (1) DE 101 08 083 A1
- (2) DE 32 28 851 A1
- (3) DE 31 11 336 A1
- (4) EP 0 475 807 A2
- (5) WO 02/09729 A2
- (6) WO 98/41095 A2

The set of claims exhibits the following formal defects:

In claim 8, the dependency on (presumably) claims 1 through 7 should be added.

Claim 8 must therefore be clarified.

Anti-microbial skin and/or wound dressings are known from references (1) through (6) which, in addition to an absorbent layer and a liquid-permeable covering layer, feature a silver layer that is not located on the skin contact surface, but is directed towards the absorbent body.

(Cf.

- (1) in particular column 3, paragraphs 13, 23 and 24, and column 4, paragraph 1, the figures, in particular Fig. 2 and the claims, in particular claims 1, 7 and 11;
- (2) in particular the claims, particularly claims 9 and 10, page 4, paragraph 1, bridge paragraph, pages 7, 8, page 8, paragraph 3, page 9, paragraph 1;
- (3) in particular page 3, paragraphs 4 through 6, page 6, last paragraph, page 7, paragraph 4 and the figures;
- (4) in particular page 2, paragraph 1, page 3, lines 34 through 36 and 56, page 4, lines

1 through 3 and 15 through 18, page 5, line 28 through page 6, line 29, the figures, particularly Fig. 1 and the claims, in particular claims 1, 2, 8 and 9;

- (5) in particular page 6, paragraphs 1, 2 and 4, page 7, paragraph 2, page 8, paragraph 3, page 11, paragraph 2 through page 12, paragraph 4, page 21, paragraph 2, the examples and the claims;
- (6) in particular page 5, paragraphs 1 through 3 and 6, page 7, paragraph 2, page 16, paragraph 4 through page 18, paragraph 4, page 22, lines 20 through 21, the examples, particularly examples 2 and 3 and the claims and the figures, in particular Fig. 2.

Compared with this prior art the subject matter of the application is neither new nor inventive.

Claim 1 is therefore not allowable.

Dependent claims 2 through 7 also go with the main claim. They do not reveal an inventive content and in this connection—as for use claims 8 through 11 as well—reference is made to the passages cited for claim 1.

Dependent claims 2 through 7 and use claims 8 through 11 are therefore not allowable.

On the basis of the present documents the grant of a patent cannot be expected.

Further, Applicants direct the Examiner's attention to the following documents:

- (26) DE 199 58 458 A1, June 21, 2001; Applicants note that this document is cited and discussed in paragraph [0012] of the present application;
- (27) U.S. Patent Application Publication US 2001/0009831 A1 (SCHINK et al.), July 26, 2001; Applicants note that this document is a family member of document (26);
- (28) EP 1 116 698 A1, July 18, 2001; Applicants note that this document is cited and discussed in paragraph [0013] of the present application;

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(29) U.S. Patent Application Publication US 2004/0002417 A1 (NOMURA), January 1, 2004; Applicants note that this document is a family member of document (28);

(30) U.S. Patent Application Publication US 2004/0002416 A1 (NOMURA), January 1, 2004; Applicants note that this document is a family member of document (28);

(31) U.S. Patent Application Publication US 2001/0023156 A1 (NOMURA), September 20, 2001; Applicants note that this document is a family member of document (28);

(32) U.S. Patent No. 6,593,260 B2 (NOMURA), July 15, 2003; Applicants note that this document is a family member of document (28);

(33) EP 1 116 700 A1, July 18, 2001; Applicants note that this document is cited and discussed in paragraph [0013] of the present application;

(34) U.S. Patent Application Publication US 2001/0006987 A1 (NOMURA), July 5, 2001; Applicants note that this document is a family member of document (33);

(35) U.S. Patent No. 5,753,251 (BURRELL et al.), May 19, 1998; Applicants note that this document is cited and discussed in paragraph [0014] of the present application;

(36) U.S. Patent No. 5,681,575 (BURRELL et al.), October 28, 1997; Applicants note that this document is a family member of document (35) and is also cited and discussed in paragraph [0014] of the present application;

(37) U.S. Patent No. 5,454,886 (BURRELL et al.), October 3, 1995; Applicants note

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that this document is a family member of documents (35) and (36);

(38) U.S. Patent No. 5,770,255 (BURRELL et al.), June 23, 1998; Applicants note that this document is a family member of documents (35) and (36);

(39) U.S. Patent No. 5,837,275 (BURRELL et al.), November 17, 1998; Applicants note that this document is a family member of documents (35) and (36);

(40) U.S. Patent No. 5,958,440 (BURRELL et al.), September 28, 1999; Applicants note that this document is a family member of documents (35) and (36);

(41) U.S. Patent No. 5,985,308 (BURRELL et al.), November 16, 1999; Applicants note that this document is a family member of documents (35) and (36);

(42) U.S. Patent No. 6,017,553 (BURRELL et al.), January 25, 2000; Applicants note that this document is a family member of documents (35) and (36);

(43) U.S. Patent No. 6,238,686 B1 (BURRELL et al.), May 29, 2001; Applicants note that this document is a family member of documents (35) and (36);

(44) U.S. Patent No. 2,934,066 (STOWASSER), April 26, 1960; Applicants note that this document is cited and discussed in paragraph [0015] of the present application.

(45) U.S. Patent Application Publication US 2002/0160037 A1 (AHRENS et al.), October 31, 2002;

(46) U.S. Patent No. 6,592,888 B1 (JENSEN et al.), July 15, 2003;

(47) U.S. Patent No. 6,485,735 B1 (STEEN et al.), November 26, 2002;

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- (48) U.S. Patent No. 6,322,588 B1 (OGLE et al.), November 27, 2001;
- (49) U.S. Patent No. 5,395,305 (KOIDE et al.), March 7, 1995;
- (50) U.S. Patent No. 6,087,549 (FLICK), July 11, 2000;
- (51) U.S. Patent No. 5,849,311 (SAWAN et al.), December 15, 1998;
- (52) U.S. Patent No. 4,817,594 (JUHASZ), April 4, 1989;
- (53) U.S. Patent No. 5,747,178 (SODERVALL et al.), May 5, 1998;
- (54) U.S. Patent No. 4,997,425 (SHIOYA et al.), March 5, 1991;
- (55) U.S. Patent No. 6,168,800 B1 (DOBOS et al.), January 2, 2001;
- (56) U.S. Patent No. 6,592,888 B1 (JENSEN et al.), July 15, 2003;
- (57) U.S. Patent No. 6,565,913 B2 (ARPS et al.), May 20, 2003;
- (58) U.S. Patent No. 6,530,951 B1 (BATES et al.), March 11, 2003;
- (59) U.S. Patent No. 6,482,444 B1 (BELLANTONE et al.), November 19, 2002;
- (60) U.S. Patent No. 6,582,715 B1 (BARRY et al.), June 24, 2003;
- (61) U.S. Patent No. 6,190,407 B1 (OGLE et al.), February 20, 2001;
- (62) U.S. Patent No. 6,113,636 (OGLE), September 5, 2000;
- (63) U.S. Patent No. 6,267,782 B1 (OGLE et al.), July 31, 2001;
- (64) U.S. Patent No. 5,328,450 (SMITH et al.), July 12, 1994;
- (65) U.S. Patent No. 5,681,579 (FREEMAN et al.), October 28, 1997;
- (66) U.S. Patent No. 6,153,215 (SAMUELSEN et al.), November 28, 2000;

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- (67) U.S. Patent No. 6,224,898 B1 (BALOGH et al.), May 1, 2001;
- (68) U.S. Patent No. 6,066,773 (FREEMAN et al.), May 23, 2000;
- (69) U.S. Patent No. 5,973,221 (COLLYER et al.), October 26, 1999;
- (70) U.S. Patent No. 6,399,091 B1 (BERTHOLD et al.), June 4, 2002;
- (71) U.S. Patent No. 5,429,591 (YAMAMOTO et al.), July 4, 1995;
- (72) U.S. Patent No. 5,445,604 (LANG), August 29, 1995;
- (73) U.S. Patent No. 5,147,338 (LANG et al.), September 15, 1992;
- (74) U.S. Patent No. 5,584,801 (KUROYANAGI et al.), December 17, 1996;
- (75) U.S. Patent No. 5,087,686 (ANSELL et al.), February 11, 1992;
- (76) U.S. Patent No. 5,844,013 (KENNDOFF et al.), December 1, 1998;
- (77) U.S. Patent No. 6,555,599 B2 (LEVER et al.), April 29, 2003;
- (78) U.S. Patent No. 4,661,099 (von BITTERA et al.), April 28, 1987;
- (79) U.S. Patent No. 5,985,301 (NAKAMURA et al.), November 16, 1999;
- (80) U.S. Patent No. 6,187,290 B1 (GILCHRIST et al.), February 13, 2001;
- (81) U.S. Patent Application Publication US 2002/0156411 A1 (AHRENS et al.),
October 24, 2002;
- (82) <http://www.nanocrystallinesilver.org>, Copyright 2002, Parts 1-5;
- (83) Hospital Pharmacist, October 2002, Vol. 9, pp. 261-266;
- (84) Nielsen, B., et al., "Antibacterial activity of silver containing dressings", presented

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at the 12th Conference of the European Wound Management Association May 2002;

(85) EWMA Journal 2003, Vol. 3, No. 1, pp. 17-19;

(86) <http://www.silverlom.com/compare.htm>, Acticoat® Comparison; Copyright 1998-2001 Argentum Medical, LLC.

Copies of the above-listed documents (with the exception of U.S. patent documents) and of the Office Action for German Patent Application 103 28 261.0 are enclosed together with a completed copy of the PTO-1449 Form listing these documents. Accordingly, the Examiner is requested to consider these documents and to indicate such consideration by returning a signed and initialed copy of the PTO-1449 Form with the next official communication.

Further to the U.S. Patent and Trademark Office's decision to waive the requirement under 37 C.F.R. 1.98 (a)(2)(i), copies of the U.S. patents and published U.S. patent applications cited above are not enclosed herewith. However, if any copies are needed, the Examiner is respectfully requested to contact the undersigned.


Applicants note that an Office Action on the merits has not yet issued in the instant application, and thus, no fee is necessary to ensure consideration of this statement. However, if an Office Action has issued and is crossing in the mail with this statement, the

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Commissioner is hereby authorized to charge Deposit Account No. 19-0089 any fee necessary to ensure consideration of the submitted materials.

If there should be any questions, the Examiner is invited to contact the undersigned at the telephone number listed below

Respectfully submitted,
Peter HILFENHAUS et al.


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March 8, 2004
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Form PTO-1449	U.S. Department of Commerce Patent and Trademark Office	Atty. Docket No. P24008	Serial No. 10/654,949
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary)		Applicant Peter HILFENHAUS et al	
		Filing Date September 5, 2003	Group 1771

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER							DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		5	3	9	5	3	0	5	03/07/95	KOIDE et al			
2003	/	0	2	0	6	9	6	6	11/06/03	BURRELL et al			
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2003	/	0	1	9	4	4	4	4	10/16/03	BURRELL et al			
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2002	/	0	1	9	2	2	9	8	12/19/02	BURRELL et al			
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2002	/	0	0	5	1	8	2	4	05/02/02	BURRELL et al			
		6	3	3	3	0	9	3	12/25/01	BURRELL et al			
2001	/	0	0	0	9	8	3	1	07/26/01	SCHINK et al			
2004	/	0	0	0	2	4	1	7	01/01/04	NOMURA			
2004	/	0	0	0	2	4	1	6	01/01/04	NOMURA			

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U.S. Department of Commerce
Patent and Trademark OfficeAtty. Docket No.
P24008Serial No.
10/654,949

**INFORMATION DISCLOSURE STATEMENT
BY APPLICANT**
(Use several sheets if necessary)

Applicant
Peter HILFENHAUS et alFiling Date
September 5, 2003Group
1771**U.S. PATENT DOCUMENTS**

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
2001	/	0 0 2 3 1 5 6	09/20/01	NOMURA			
		6 5 9 3 2 6 0	07/15/03	NOMURA			
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		5 7 5 3 2 5 1	05/19/98	BURRELL et al			
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		5 4 5 4 8 8 6	10/03/95	BURRELL et al			
		5 7 7 0 2 5 5	06/23/98	BURRELL et al			
		5 8 3 7 2 7 5	11/17/98	BURRELL et al			
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		5 9 8 5 3 0 8	11/16/99	BURRELL et al			
		6 0 1 7 5 5 3	01/25/00	BURRELL et al			
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		2 9 3 4 0 6 6	04/26/60	STOWASSER			
2002	/	0 1 6 0 0 3 7	10/31/02	AHRENS et al			
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		5 3 9 5 3 0 5	03/07/95	KOIDE et al			
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		4 8 1 7 5 9 4	04/04/89	JUHASZ			
		5 7 4 7 1 7 8	05/05/98	SODERVALL et al			

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	6 1 6 8 8 0 0	01/02/01	DOBOS et al			
	6 5 9 2 8 8 8	07/15/03	JENSEN et al			
	6 5 6 5 9 1 3	05/20/03	ARPS et al			
	6 5 3 0 9 5 1	03/11/03	BATES et al			
	6 4 8 2 4 4 4	11/19/02	BELLANTONE et al			
	6 5 8 2 7 1 5	06/24/03	BARRY et al			
	6 1 9 0 4 0 7	02/20/01	OGLE et al			
	6 1 1 3 6 3 6	09/05/00	OGLE			
	6 2 6 7 7 8 2	07/31/01	OGLE et al			
	5 3 2 8 4 5 0	07/12/94	SMITH et al			
	5 6 8 1 5 7 9	10/28/97	FREEMAN et al			
	6 1 5 3 2 1 5	11/28/00	SAMUELSEN et al			
	6 2 2 4 8 9 8	05/01/01	BALOGH et al			
	6 0 6 6 7 7 3	05/23/00	FREEMAN et al			
	5 9 7 3 2 2 1	10/26/99	COLLYER et al			
	6 3 9 9 0 9 1	06/04/02	BERTHOLD et al			
	5 4 2 9 5 9 1	07/04/95	YAMAMOTO et al			
	5 4 4 5 6 0 4	08/29/95	LANG			
	5 1 4 7 3 3 8	09/15/92	LANG et al			
	5 5 8 4 8 0 1	12/17/96	KUROYANAGI et al			
	5 0 8 7 6 8 6	02/11/92	ANSELL et al			

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OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

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1771**U.S. PATENT DOCUMENTS**

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		5 8 4 4 0 1 3	12/01/98	KENNDOFF et al			
		6 5 5 5 5 9 9	04/29/03	LEVER et al			
		4 6 6 1 0 9 9	04/28/87	BITTERA et al			
		5 9 8 5 3 0 1	11/16/99	NAKAMURA et al			
		6 1 8 7 2 9 0	02/13/01	GILCHRIST et al			
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	1	0 1 0 8 0 8 3	09/05/02	GERMANY			
	2	4 3 8 7 6 5	08/29/02	CANADA			
	3	2 2 8 8 5 1	02/02/84	GERMANY			
	3	1 1 1 3 3 6	04/22/82	GERMANY			
	2	0 7 4 0 2 9	10/28/91	UNITED KINGDOM			
	0	4 7 5 8 0 7	03/18/92	E.P.O			
	0	2 / 0 9 7 2 9	02/07/02	W.I.P.O			
	9	8 / 4 1 0 9 5	09/24/98	W.I.P.O			
	1	9 9 5 8 4 5 8	06/21/01	GERMANY			
	1	1 1 6 6 9 8	07/18/01	E.P.O			
	1	1 1 6 7 0 0	07/18/01	E.P.O			

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

1	http://www.nanocrystallinesilver.org , Copyright 2002, Parts 1-5 .
2	Hospital Pharmacist, October 2002, Vol. 9, pp. 261-266.
3	Nielsen, B., et al., "Antibacterial activity of silver containing dressings", presented at the 12th Conference of the European Wound Management Association May 2002 .
4	EWMA Journal 2003, Vol. 3, No. 1, pp. 17-19 .
5	http://www.silverlom.com/compare.htm , Acticoat® Comparison; Copyright 1998-2001 Argentum Medical, LLC.

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